

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VA  
RICHMOND DIVISION

IN RE:

JAMES LEROY PARKER

Debtor(s)

Address: 3708 Collonade Drive

Colonial Heights, VA 23834

Last four digits of Social Security No(S): 9621

BCN#: 08-36578\DOT

Chapter: 13

NOTICE OF MOTION

WELLS FARGO BANK N.A., SUCESSOR BY MERGER TO WELLS FARGO BANK MINNESOTA N.A. AS TRUSTEE F/K/A NORWEST BANK MINNESOTA, N.A. AS TRUSTEE FOR DELTA FUNDING HOME EQUITY LOAN TRUST 2000-1 has filed papers with the court to request an order granting relief from the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then on or before 7/19/11, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court  
U.S. Bankruptcy Court  
701 East Broad Street  
Room 4000  
Richmond, VA 23219

You must also mail a copy to:

CHERAN D. CORDELL  
TRENITA JACKSON STEWART  
SHAPIRO & BURSON, LLP  
236 CLEARFIELD AVENUE, SUITE 215  
VIRGINIA BEACH, VA 23462  
(757) 687-8777

- Attend the hearing on the motion or objection scheduled to be held on August 9, 2011 at 11:00 AM at the United States Bankruptcy Court 701 East Broad Street Richmond, VA 23219 in Courtroom 5100.


If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

08-126557V

Dated: 7/5/11

SHAPIRO & BURSON, LLP

Attorneys for WELLS FARGO BANK N.A., SUCESSOR  
BY MERGER TO WELLS FARGO BANK MINNESOTA  
N.A. AS TRUSTEE F/K/A NORWEST BANK  
MINNESOTA, N.A. AS TRUSTEE FOR DELTA  
FUNDING HOME EQUITY LOAN TRUST 2000-1

By:   
Cheran D. Cordell, VSB# 65361  
Trenita Jackson-Stewart, VSB# 48412  
SHAPIRO & BURSON, LLP  
236 CLEARFIELD AVENUE, SUITE 215  
VIRGINIA BEACH, VA 23462  
(757) 687-8777


CERTIFICATE OF SERVICE

I certify that I have this 5 day of July, 2011, electronically transmitted and/or mailed via first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

LINDA D. JENNINGS  
THE DEBT LAW GROUP, PLLC  
111 HIGHLAND AVENUE  
Colonial Heights, VA 23834

JAMES LEROY PARKER  
3708 Collonade Drive  
Colonial Heights, VA 23834

ROBERT E. HYMAN  
P.O. BOX 1780  
RICHMOND, VA 23218-1780

  
Cheran D. Cordell, VSB# 65361  
Trenita Jackson-Stewart, VSB# 48412

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VA  
RICHMOND DIVISION

IN RE:  
JAMES LEROY PARKER  
Debtor(s)

BCN#: 08-36578\DOT  
Chapter: 13

WELLS FARGO BANK N.A., SUCESSOR  
BY MERGER TO WELLS FARGO BANK  
MINNESOTA N.A. AS TRUSTEE F/K/A  
NORWEST BANK MINNESOTA, N.A. AS  
TRUSTEE FOR DELTA FUNDING HOME  
EQUITY LOAN TRUST 2000-1  
or present noteholder,  
Movant/Secured Creditor,

MOTION FOR ORDER GRANTING  
RELIEF FROM STAY

v.  
JAMES LEROY PARKER  
Debtor(s)  
and  
ROBERT E. HYMAN  
Trustee  
Respondents

WELLS FARGO BANK N.A., SUCESSOR BY MERGER TO WELLS FARGO BANK  
MINNESOTA N.A. AS TRUSTEE F/K/A NORWEST BANK MINNESOTA, N.A. AS  
TRUSTEE FOR DELTA FUNDING HOME EQUITY LOAN TRUST 2000-1, and/or present  
noteholder, (hereinafter the "Movant"), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. Sections 157, and 1334; 11 U.S.C. Section 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.
2. That the above named Debtor(s) filed a Chapter 13 petition in bankruptcy with the Court on December 23, 2008.
3. That has been appointed by the Court as the Chapter 13 Trustee in the instant bankruptcy proceeding.
4. That the Movant is the current payee of a promissory note secured by a deed of trust upon a parcel of real property (hereinafter "the Property") with the address of 3708 COLONNADE DRIVE, Colonial Heights, VA 23834 and more particularly described in the deed

BK2755PG635, among the land records of the said city/county, as:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND WITH THE IMPROVEMENTS THEREON AND APPURTENANCES THERETO BELONGING, LYING, BEING SITUATE IN MATOACA DISTRICT, CHESTERFIELD COUNTY, VIRGINIA, KNOWN AND DESIGNATED AS LOT 25, BLOCK B, COLONIAL PINE ESTATES, AS SHOWN ON A PLAT OF SURVEY MADE BY M. E. FLOYD, DATED DECEMBER 30, 1977, RECORDED JANUARY 4, 1978, IN THE CIRCUIT COURT CLERK'S OFFICE OF CHESTERFIELD COUNTY, VIRGINIA, IN PLAT BOOK 30, AT PAGES 28, 29 & 30, REFERENCE TO WHICH PLAT IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY HEREIN CONVEYED.

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor(s).

6. That the Debtor(s) is/are in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust since the filing of the Chapter 13 petition.

The Debtor(s) is/are due for:

- o 20 post petition monthly payments of \$1,250.02 each which were to be paid directly to Movant;
- o Bankruptcy Costs of \$150.00
- o Bankruptcy Fees of \$650.00

7. That a proof of claim for pre-petition arrears was filed with the Court on the Movant's behalf on May 7, 2008, in the amount of \$28,104.67.

8. That the Movant has elected to initiate foreclosure proceedings on the Property with respect to the deed of trust but is prevented by the automatic stay from going forward with these proceedings.

9. That the Movant is informed and believes, and based upon such information and belief, alleges that absent the Court's Order allowing the Movant to proceed with the pending foreclosure, the Movant's security will be significantly jeopardized and/or destroyed.


10. That continuation of the automatic stay of 11 U.S.C. Section 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. Section 362.

11. That the Movant has requested that the Court hear this matter on August 9, 2011, at 11:00 AM

WHEREFORE, the Movant prays for an Order granting relief from the automatic stay in order to pursue it's remedies under the terms of its note and deed of trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for it's attorney's fees and costs expended, and for such further relief as the Court and equity deem appropriate.

Dated: 7/5/11

SHAPIRO & BURSON, LLP  
Attorneys for Movant

By:   
Cheran D. Cordell, VSB# 65361  
Trenita Jackson-Stewart, VSB# 48412  
SHAPIRO & BURSON, LLP  
236 CLEARFIELD AVENUE, SUITE 215  
VIRGINIA BEACH, VA 23462  
(757) 687-8777 08-126557V

## NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on the motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 701 East Broad Street, Room 4000, Richmond, VA 23219-3515, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief.

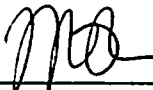
If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: August 9, 2011 at 11:00 AM in Courtroom 5100, United States Bankruptcy Court, 701 East Broad Street, Richmond, Virginia.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

Dated: 7/5/11

SHAPIRO & BURSON, LLP  
Attorneys for Movant

By:   
Cheran D. Cordell, VSB# 65361  
Trenita Jackson-Stewart, VSB# 48412  
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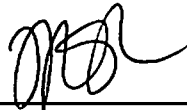
Document Page 7 of 7  
CERTIFICATE OF MAILING

I certify that I have this 5 day of July, 2011, electronically transmitted and/or mailed via first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice:

LINDA D. JENNINGS  
THE DEBT LAW GROUP, PLLC  
111 HIGHLAND AVENUE  
Colonial Heights, VA 23834

JAMES LEROY PARKER  
3708 Collonade Drive  
Colonial Heights, VA 23834

ROBERT E. HYMAN  
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